

Introduced by Senator Burton

February 21, 2003

An act to amend Sections 45330, 45344.5, and 45361.5 of the Education Code, relating to paraprofessionals.

LEGISLATIVE COUNSEL'S DIGEST

SB 644, as introduced, Burton. Paraprofessionals.

Existing law requires a local educational agency that receives funding pursuant to the federal No Child Left Behind Act of 2001 to ensure that every paraprofessional hired on or after January 8, 2002 has either completed 2 years of study at an institution of higher education, possesses an associate's degree or higher, or after completing a state or local assessment is determined to have knowledge of, and an ability to assist in, instructing reading, writing, and mathematics. Existing law provides that a paraprofessional who was hired on or before January 1, 2003, and who has previously demonstrated knowledge of, and an ability to assist in reading, writing, and mathematics has satisfied the eligibility requirement for a paraprofessional.

This bill would additionally require a paraprofessional who completes a state or local assessment to demonstrate knowledge of, and an ability to assist in, instructing reading readiness, writing readiness, and mathematics readiness. This bill would provide that a paraprofessional who has previously demonstrated knowledge of, and an ability to assist in, reading readiness, writing readiness, and mathematics readiness has satisfied the requirements for a paraprofessional set forth in the No Child Left Behind Act of 2001.

This bill would make technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 45330 of the Education Code is amended to read:

45330. (a) As used in this section, a paraprofessional means a person who assists ~~a classroom teachers~~ *teacher* and other certificated personnel in instructing reading, writing, and mathematics. A paraprofessional includes an instructional aide as defined in subdivision (a) of Section 45343 and a teacher aide as described in Section 45360.

(b) A paraprofessional shall perform only duties that, in the judgement of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties ~~shall~~ *may* not include assignment of grades to pupils.

(c) Pursuant to the federal No Child Left Behind Act of 2001 (~~P.L. 107-110~~) (*20 U.S.C. 6301 et seq.*), a local education agency that receives funding from Title 1 of that act shall ensure that every paraprofessional hired on or after January 8, 2002, who is supported by those Title 1 funds and who assists in instruction has demonstrated at least one of the following ~~in addition to any other requirements under that act:~~

(1) Completion of at least two years of study at an institution of higher education.

(2) Possession of an associate's degree or higher.

(3) Through a local or state assessment, that is appropriate to the responsibilities to be assigned to the paraprofessional, knowledge of, and ability to assist in, instructing reading *or reading readiness*, writing *or writing readiness*, and mathematics *or mathematics readiness*.

(d) Except as provided in subdivision (h), a paraprofessional hired prior to January 8, 2002, who is supported by federal funds from Title I of the federal No Child Left Behind Act of 2001 (~~P.L. 107-110~~) (*20 U.S.C. Sec. 6301 et seq.*) shall meet the requirements of subdivision (c) no later than January 8, 2006.

(e) ~~No~~ A person ~~shall~~ *may not* be initially assigned to assist in instruction as a paraprofessional in kindergarten and grades 1 to 12, inclusive, unless the person has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required by the employing district for high school seniors pursuant

1 to subdivisions (a) and (f) of Section 51220 if the employing
2 district educates high school students.

3 (f) If the employing district is an elementary school district, the
4 paraprofessional shall demonstrate proficiency in reading,
5 writing, and mathematics skills up to or exceeding that required for
6 high school seniors pursuant to subdivisions (a) and (f) of Section
7 51220 in the high school district that includes all or the largest
8 portion of the elementary district.

9 (g) In establishing the educational qualifications or in
10 developing a proficiency exam, a school district shall align the
11 qualifications and proficiency exams pursuant to paragraph (3) of
12 subdivision (c).

13 (h) A paraprofessional who is supported by federal funds from
14 Title I of the federal No Child Left Behind Act of 2001 (~~P.L.~~
15 ~~107-110~~) (*20 U.S.C. Sec. 6301 et seq.*) and who meets either of the
16 following conditions is exempt from the requirements described
17 in paragraphs (1) to (3), inclusive, of subdivision (c):

18 (1) The paraprofessional is proficient in English and a language
19 other than English and provides services primarily to enhance
20 participation of pupils by acting as a translator.

21 (2) The paraprofessional's duties consist solely of conducting
22 parental involvement activities.

23 (i) A paraprofessional who was hired on or before January 4, 8,
24 ~~2003~~ 2002, and who has previously demonstrated, through a local
25 assessment, knowledge of, and an ability to assist in, instructing
26 reading *or reading readiness*, writing *or writing readiness*, and
27 mathematics *or mathematics readiness*, is deemed to have met the
28 proficiency exam requirements of paragraph (3) of subdivision
29 (c).

30 (j) A school district may use an existing proficiency assessment
31 or may develop a new proficiency assessment to meet the
32 requirements of paragraph (3) of subdivision (c).

33 (k) Pursuant to the federal No Child Left Behind Act of 2001
34 (*20 U.S.C. Sec. 6301 et seq.*), a local education agency may use a
35 portion of the funds from that act for staff development for
36 paraprofessionals, to the extent that those funds are appropriated
37 in the annual Budget Act for this purpose.

38 SEC. 2. Section 45344.5 of the Education Code is amended
39 to read:

1 45344.5. (a) ~~No~~ A person ~~shall~~ *may not* be initially assigned
2 to assist in instruction as an instructional aide, unless the person
3 has demonstrated proficiency in basic reading, writing, and
4 mathematics skills ~~pursuant to Section 45330.~~

5 (b) A school district may charge prospective aides taking the
6 district's proficiency test a fee to fund the costs incurred by the
7 district in giving the test. This fee may be subject to negotiation
8 between the district and the exclusive representative of
9 instructional aides, but ~~in no event shall~~ the fee *may not* exceed
10 seven dollars (\$7).

11 (c) An instructional aide who passes a district proficiency test
12 as required by this section, transfers to another district, and is
13 employed in the same capacity shall be considered to have met the
14 proficiency standards for purposes of this section, unless the
15 district to which he or she has transferred determines that the test
16 taken by the aide is not comparable to the standards required by the
17 employing district.

18 SEC. 3. Section 45361.5 of the Education Code is amended
19 to read:

20 45361.5. (a) ~~No~~ A person ~~shall~~ *may not* be initially assigned
21 to assist in instruction for work as an aide for instructional
22 purposes in kindergarten and grades 1 to 12, inclusive, unless the
23 person has demonstrated proficiency in basic reading, writing, and
24 mathematics skills ~~pursuant to Section 45330.~~

25 (b) As used in this section, "initially assigned" means any
26 assignment, including substitute, temporary, probationary, or
27 permanent employment, to assist in instruction as an aide for
28 instructional purposes.

29 (c) A school district may charge a fee to prospective aides
30 taking the district proficiency test pursuant to the requirements of
31 this section to fund the costs incurred by the district in giving the
32 test. This fee may be subject to negotiation between the district and
33 the exclusive representative of instructional aides, but ~~in no event~~
34 ~~shall~~ the fee *may not* exceed seven dollars (\$7).

35 (d) The school district governing board, at a public meeting,
36 may grant an exemption from this requirement to any person, for
37 a period of one year, if the person is to be assigned as a
38 bilingual-crosscultural aide and the governing board determines
39 that there is no other person available to serve in the same capacity.
40 Upon or prior to the expiration of the one-year period, the

1 bilingual-crosscultural aide shall be required to take and pass the
2 basic skills test required by ~~this section~~ *subdivision (c)*. A
3 bilingual-crosscultural aide who has not demonstrated his or her
4 basic skills proficiency through these means may not be
5 compensated for work as a bilingual-crosscultural aide. A
6 bilingual-crosscultural aide may only be granted one exemption
7 from this requirement. ~~The authority of district governing boards~~
8 ~~to grant these exemptions shall cease on June 30, 1985.~~

9 (e) An aide who passes a district proficiency test as required by
10 this section who transfers to another district and is employed in the
11 same capacity, shall be considered to have met the proficiency
12 standards for purposes of this section, unless the district to which
13 he or she has transferred determines that the test taken by the aide
14 is not comparable to the standards required by the employing
15 district.

16 (f) An aide who passes a district proficiency test, as required by
17 this section, and who is reassigned to another school or program
18 in the district and is employed in the same capacity, shall be
19 considered to have met the state basic skills proficiency test
20 requirement.

